

AMENDED IN SENATE APRIL 17, 2006

SENATE BILL

No. 1499

Introduced by Senator Ackerman Battin

February 23, 2006

~~An act to amend Section 69592 of the Government Code, relating to courts. An act to add Section 52.6 to the Civil Code, relating to civil actions.~~

LEGISLATIVE COUNSEL'S DIGEST

SB 1499, as amended, ~~Ackerman Battin. Judges: Riverside County.~~
Civil actions: religious preference.

The California Constitution guarantees the free exercise and enjoyment of religion without discrimination or preference.

Existing law sets forth various personal rights and provides that all persons within California have the right to be free from violence, or intimidation by the threat of violence because of, among other characteristics, their race, color, religion, ancestry, national origin, political affiliation, or sex. Existing law further permits an individual whose exercise or enjoyment of specified personal rights has been interfered with to bring a civil action for damages, including actual damages, exemplary damages, attorney's fees, injunctive relief, and other appropriate relief.

This bill would provide that injunctive relief shall be the sole remedy in any civil action against a public agency, as defined, or any officer or employee thereof, for any violation of the constitutional prohibition against religious discrimination or preference if the violation consists of the public display of a religious symbol in specified locations. The bill also would bar an award of attorney's fees in these actions.

~~Existing law establishes 49 judges of the superior court in the County of Riverside.~~

~~This bill would make a technical, nonsubstantive change to that provision.~~

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 52.6 is added to the Civil Code, to read:
2 52.6. (a) Notwithstanding any other law, and except as
3 provided in Section 52.1, injunctive relief shall be the sole
4 remedy in any civil action against a public agency, or any officer
5 or employee thereof, for any violation of the prohibition in
6 Section 4 of Article I of the California Constitution against
7 religious discrimination or preference if the violation consists of
8 the public display of a religious symbol upon any of the following
9 locations:
10 (1) An official seal.
11 (2) A court house or other court facility.
12 (3) Any other facility used primarily for government
13 operations.
14 (4) Any public lands.
15 (5) Any veterans' memorial or monument.
16 (b) No attorney's fees shall be awarded with respect to any
17 civil action described in subdivision (a).
18 (c) For purposes of this section, "public agency" means the
19 state or any agency or department of the state, and any city,
20 county, city and county, special district, school district,
21 municipal corporation, political subdivision, joint powers
22 authority, or any board, commission, or agency thereof.
23 SECTION 1. ~~Section 69592 of the Government Code is~~
24 ~~amended to read:~~
25 69592. ~~In the County of Riverside, there are 49 judges of the~~
26 ~~superior court.~~